



May 9, 2016

Rick Knowland, Senior Planner  
City of Portland Planning Division  
389 Congress Street  
Portland, ME 04101

**Re: 4071.10 – The Asylum – Level III Development Review Application**

Dear Rick,

Enclosed are updated approval drawings for the proposed Asylum project located at 121 Center Street. To summarize, the applicant is proposing to demolish a portion of the existing 1-story plus basement building near the intersection of Center Street and Free Street and replace it with a larger 2-story plus basement building addition.

The following is a summary of what has occurred since we submitted the Level III Development Review application on March 25:

- We held a neighborhood meeting on April 19 at the Portland Public Library. A copy of the meeting minutes and sign-up sheet are attached.
- We responded to staff comments provided to us on April 14.
- We discussed the proposed project with the Planning Board during a workshop session on April 26.
- I attended a traffic scoping meeting with the City's traffic engineer, Tom Errico, and traffic engineers from Gorrill-Palmer on May 2.
- The Historic Preservation Board voted that the proposed project meets the historic preservation ordinance review standards for review of alterations to non-contributing structures and standards for new construction on May 4.

At the Planning Board workshop, we discussed the noise standard in Section 14-221.1. Since the workshop, we discovered that there are two standards that govern sound requirements in the B-3 zoning district, one of which is under the zoning ordinance and the other is under business licensing. Based on communication with Tuck O'Brien, who conferred with corporation counsel, we understand that the sound limit applicable to Asylum is the 92 dBA limit contained in the concert hall licensing provision of Chapter 4, rather than the general B-3 zone limit of 55/60 dBA contained in the Chapter 14 land use ordinance. The Chapter 4 concert hall sound limit specifically states that it supersedes sound limits contained elsewhere in the City Code. See Section 4-57. It makes sense that the 92 dBA limit would govern because it indicates a recognition by the City Code that concert halls will likely exceed the general sound limits in certain zoning districts. In order to allow concert halls downtown the Code creates a special 92

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dBa sound limit while imposing a more specific sound oversight framework and additional regulatory oversight involved in obtaining and keeping a Chapter 4 entertainment license. As a result, the applicable sound limit for this project is 92 dBA contained in the concert hall license, which is administered by the City Clerk's Office, and not the 55/60 dBA general limit in the B-3 zoning district, which is administered by the Planning Board. Nevertheless, we plan to provide the Board with information on projected sound emissions, and the Planning Department will have the opportunity to provide input on a Chapter 4 concert hall license issued to Asylum by the Clerk's Office.

The applicant's acoustical consultant, Cavanaugh Tocci Associates, is in the process of modeling and testing the proposed building's architectural components to demonstrate compliance with the 92 dBA limit. Although the project is governed by the 92 dBA sound limit, the applicant is designing the building addition so that future sound pressure levels will not exceed current sound pressure levels. As indicated in the application submission, HVAC and mechanical equipment will meet the Noise and Vibration standard as specified in 14-526(d)(7).

As mentioned above, a Traffic Movement Permit scoping meeting was held on May 2. A copy of the Traffic Movement Permit will be provided under separate cover.

Please contact me if you have any questions or would like additional information. We look forward to presenting this project at the May 24 Planning Board meeting. Thank you.

Best regards,

A handwritten signature in black ink, appearing to read 'John Kenney', with a long horizontal flourish extending to the right.

John Kenney P.E. LEED<sup>AP</sup>  
*Senior Engineer, Firm Associate*

CC: Valerie Levy, Krista Newman, Laurie Willey, Gordon Smith, JRB, MAC, SJL, RMF

Enclosures: As noted

April 5, 2016

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a The Asylum located at 121 Center Street.

Meeting Location: Portland Public Library

Meeting Date: Tuesday, April 19, 2016

Meeting Time: 6:30 pm

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call 947-4511.

Sincerely,



John Kenney PE

**Note:**

Under Section 14-32(C) and 14-524(a)d of the City Code of Ordinances, an applicant for a Level III development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within 30 days of submitting a preliminary application or 21 days of submitting a final site plan application, if a preliminary plan was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4<sup>th</sup> Floor, 389 Congress Street Portland, ME 04101 or by email: to [bab@portlandmaine.gov](mailto:bab@portlandmaine.gov).

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### Neighborhood Meeting Certification

I, John Kenney PE, hereby certify that a neighborhood meeting was held on April 19, 2016 at the Portland Public Library at 6:30 pm.

I also certify that on April 5, 2016, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to the Planning Division (jmy@portlandmaine.gov and ldobson@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,

A handwritten signature in black ink, appearing to read 'J. Kenney', is written over a horizontal line.

May 9, 2016

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes

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On April 19, 2016, on behalf of Tedlum Associates LLC and The Asylum Inc., WBRC Architects Engineers conducted a neighborhood meeting for the proposed building addition and renovation project at The Asylum located at 121 Center Street in Portland. The meeting was conducted in accordance with City of Portland land use ordinance requirements. A copy of the invitation letter and sign-in sheet are attached.

The meeting began at 6:30 pm. John Kenney PE, civil engineer at WBRC Architects Engineers, provided an overview of the site portion of the proposed project and Jocelyn Boothe, project architect at WBRC Architects Engineers, provided an overview of the architectural aspects of the proposed project. Also in attendance were the owners of The Asylum to answer questions.

The following topics were discussed following the presentation:

- Site lighting and security
- Parking in Lancaster Lane
- The potential use of a crane in Lancaster Lane. The owners agreed to contact neighbors when construction activities in Lancaster Lane would temporarily disrupt access.
- The owners discussed the types of events that they envision will take place once the project is completed. They anticipate more corporate events, social events like weddings, and performance art events in addition to musical artists.
- Fencing in the alley between the proposed building addition and the parking garage was discussed, which is designed to improve security in the area. Fencing will generally allow access out of the alley, but not into the alley from the street or Lancaster Lane.
- Construction schedule was discussed, beginning in summer 2016 through spring of 2017.
- Staging areas
- Rooftop equipment
- Acoustics and building design
- In general, the consensus was that the project will be an improvement to the area.

Respectfully Submitted,



**John Kenney PE**

**Senior Engineer, Firm Associate**

*Maine Licensed Professional Engineer*